

**ORIGINAL**

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
CRIMINAL DIVISION - FELONY I BRANCH

2012 DEC 17 P 3:02

UNITED STATES OF AMERICA

Crim. No. 2011CF1012769

THEODORE R. SPENCER

Judge Thomas J. Motley

Defendant : Sentencing: December 19, 2012

**GOVERNMENT'S MEMORANDUM IN AID OF SENTENCING<sup>1</sup>**

The United States, by and through its attorney, the United States Attorney for the District of Columbia, hereby submits this memorandum to assist the Court in sentencing the defendant, Theodore Spencer who was found guilty of the following offenses after a jury trial:

- Conspiracy to Commit Burglary, Assault and Kidnaping, in violation of 22 D.C. Code § 1805(a)(2)
- First Degree Burglary, in violation of 22 D.C. Code § 801(a)
- First Degree Burglary, in violation of 22 D.C. Code § 801(a)
- Kidnaping, in violation of 22 D.C. Code § 2001
- Robbery, in violation of 22 D.C. Code § 2801
- Assault, in violation of 22 D.C. Code § 404
- First Degree Burglary While Armed, in violation of 22 D.C. Code § 801(a), 4502
- First Degree Burglary While Armed, in violation of 22 D.C. Code § 801(a), 4502

<sup>1</sup>One Victim Impact Statement was submitted under separate cover and one is attached hereto as Exhibit 1.

- Kidnaping While Armed, in violation of 22 D.C. Code § 2001, 4502
- First Degree Felony Murder While Armed, in violation of 22 D.C. Code § 2101, 2104.01(1), 2104.01(4), 4502
- First Degree Felony Murder While Armed, in violation of 22 D.C. Code § 2101, 2104.01(1), 2104.01(4), 4502
- First Degree Felony Murder While Armed, in violation of 22 D.C. Code § 2101, 2104.01(1), 2104.01(4), 4502
- Carrying a Dangerous Weapon, in violation of 22 D.C. Code, § 4504(a)

### **SUMMARY**

The Government urges this Court to impose a sentence that will punish the defendant, deter future misconduct, and protect society. The sentence best achieves these sentencing goals is one of life incarceration without release. However, in light of the defendant's age, his minimal prior criminal conduct, and the specific motive behind the instant crime, the government is not requesting such a sentence in this case. Instead, the government urges that a sentence of no less than 720 months (60 years) be imposed. Only such a sentence will adequately protect society by helping to ensure that at the time of his ultimate release, the defendant is unlikely to harm anyone else.

There are those who would argue that such a lengthy sentence for someone the defendant's age is unwarranted, no matter the offense. But surely it would be unwise to automatically rule out imposition of such a sentence based merely on the defendant's age, with no consideration of the crime at issue, the way it was carried out, and the risk that this defendant poses to society, in that he still believes that his actions were justified and that he can take justice

into his own violent hands merely because he believes (no matter how baseless) that he has a right to do so. And it is precisely those factors in this case that point to only a very significant amount of incarceration as being adequate in order to address both what the defendant has done, and to protect society.

### **FACTUAL BACKGROUND**

In the years preceding the murder of Glenn Scarborough, he was involved in a volatile relationship with a woman by the name of Sharon (pronounced Shuh-ronn) Spencer, mother of defendant Theodore "Reggie" Spencer. Over the years, Glenn and Sharon had domestic disputes, which at times turned violent, and both Glenn and Sharon, at certain times, used crack cocaine.<sup>1</sup> In fact, on one particular occasion in the early 2000's, Sharon was burned during an argument with Glenn, which led to her hospitalization. While the facts surrounding the fire are in dispute between the parties, it is undisputed that the couple reconciled after the "fire incident," and that the "fire incident" occurred several years prior to the murder of Glenn Scarborough.<sup>2</sup>

However, because of both the volatile nature of the relationship between Glenn and Sharon, and their belief that he generally mistreated and failed to care for her during her illness,

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<sup>1</sup>Over the course of the years, there was documented domestic violence between Glenn Scarborough and Sharon Spencer, e.g., on December 26, 2000, Glenn Scarborough was convicted of Simple Assault against Sharon Spencer (2000CMD015038), and in 2006 both Glenn and Sharon were arrested and charged with Simple Assault for injuries that they inflicted on each other, but the case was no-papered.

<sup>2</sup>It should first be noted that this incident did not occur in the District of Columbia, and while the family of Sharon Spencer is of the opinion that Glenn doused Sharon with lighter fluid and set her on fire, none of them were eyewitnesses to the event in question. The Government's investigation has revealed that the "fire incident" occurred during an argument between Glenn Scarborough and Sharon Spencer over Sharon's increasingly uncontrollable drug use and was the result of Glenn knocking her burning crack pipes and cleaning instruments, including alcohol, into her lap which caught fire.

Sharon's family, to include the defendant Theodore "Reggie" Spencer, did not like Glenn Scarborough.<sup>3</sup> In fact, during his pre-arrest interview of Spencer, he stated "[Glenn] treated my mom like shit." and further admitted: "I never really liked him too much." As a basis for his dislike of Glenn, Spencer told police that Glenn didn't take care of his mother, leaving her in the house without bathing her, not giving her medicine, etc.

Despite the volatility in the relationship, Glenn Scarborough and Sharon Spencer were together more than 10 years, and friends and neighbors who saw them daily observed that Glenn seemed very in love with Sharon, and she with him.

In the months preceding the murder of Glenn Scarborough, Sharon Spencer was diagnosed with bladder cancer. She began to undergo chemotherapy and radiation and was being treated at Georgetown Hospital. During this time, she remained in the care of her boyfriend, Glenn Scarborough. Over time, however, Sharon began to deteriorate and required constant care.

On Friday, June 17, 2011, Sharon's mother, Ruby Ashton agreed to come and pick her up to take her back to live with the family in Culpeper, Virginia, but by the time Ashton and other family members arrived to pick her up, Sharon was very weak and sickly and collapsed on her way to the car. The family drove her to the Georgetown hospital where she was admitted and was never again released. Ashton then called Sharon's children, including Theodore "Reggie"

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<sup>3</sup>It should be noted that Sharon's children, to include the defendant, Theodore Reginald Spencer, did not reside with her at any time during her relationship with Glenn Scarborough, but were instead being raised by their maternal grandmother, Ruby Ashton, for years prior to when Sharon and Glenn met and for the duration of the 15 years before the Glenn's murder. Further, during his pre-arrest interview, Reginald Spencer admitted that he cursed at his mother and shunned her, that prior to her death, he was not close with his mother, that he called her by her first name, and that he blamed her and thought she wasn't a good

Spencer, to inform them about their mother's condition, and Spencer and his friends immediately left Culpeper, Virginia, headed for Washington, D.C.

On Friday, June 17, 2011, Theodore "Reggie" Spencer, Phillip Swan, Terrell Wilson, an uncharged co-conspirator, and two individuals who will hereafter be referred to as W1 and W2 all traveled to Washington, D.C. to visit with Spencer's mother at Georgetown University Hospital.

The group of friends made the 1.5 hour trip in Swan's car, a 2010, silver Hyundai Accent. When they arrived at the hospital, Spencer and W1 went into the room to visit with Sharon Spencer, while the others remained in the waiting area. At some point, Spencer emerged from the room distraught. He began to blame Glenn for his mother's condition because he believed that Glenn had not taken proper care of his mother. Spencer then began to talk about going over to Glenn's house to beat him up. The other young men agreed, including Swan and Wilson, and the six individuals piled back into Swan's car and headed to the home of Glenn Scarborough.

At approximately 11:45 p.m., the group arrived in Glenn Scarborough's neighborhood, and parked a ways away from his home. At that point, Spencer, Wilson and the uncharged co-conspirator exited the vehicle and walked toward Glenn's house, while Swan, W1 and W2 remained in the car.<sup>4</sup> Spencer, Wilson and the uncharged co-conspirator wore gloves and bandanas that they could pull over their faces.

When Spencer, Wilson and the uncharged co-conspirator reached the front door of

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mother.

According to witness accounts, the six individuals in the car smoked marijuana during the drive from Culpeper to DC and between the hospital and the decedent's home.

Glenn's basement apartment, they knocked but said nothing, waiting for him to open the door. When Glenn (age 61) came to the door he was completely naked. The three young men pushed their way into his home and took him to the floor. They then began to beat Glenn Scarborough, punching and kicking him while he lay on the ground. They tied his hands behind him and also tied his feet and pistol whipped him.<sup>5</sup>

During the assault, Spencer, Wilson and the uncharged co-conspirator demanded money, ransacked Glenn's home, broke his cellular phone into pieces and stole 1) pill bottles bearing the name Sharon Spencer, 2) pain patches, and 3) approximately \$2 in U.S. currency. They then left the apartment leaving Glenn Scarborough bound with rope at his hands and his ankles.

At approximately 2:00 a.m., Saturday, June 18, 2011, Glenn had managed to free his legs and climb from his basement apartment to the room of another resident in the rooming house, who will hereafter be referred to as W3. W3 reports that at approximately 2:00 a.m., he heard Glenn call out: ". . . I've been robbed. Can you cut me loose?!?" W3 then opened his door to find Glenn Scarborough standing naked in the hallway. His hands were still tied behind his back with rope/twine. W3 used a knife to cut the ropes from Glenn's hands, and Glenn promised to call the police.<sup>6</sup>

On the evening of June 18, 2011, Sharon's mother again called Spencer, who had returned to Culpeper, to provide an update on Sharon's condition and tell him that his mother had

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<sup>5</sup>In his videotaped interview, Terrell Wilson admitted to Detective Corbett that he had a gun with him during the assault on Friday night and according to accounts Glenn Scarborough told others on the day after the initial beating, one of his three assailants had a gun that he used to pistol whip Scarborough during the assault.

<sup>6</sup>Later that day, Glenn Scarborough admitted to W3 that he had not called the police because "They didn't get anything. They're not coming back."

slipped into a coma and would not likely survive the night. Again, Spencer and his friends got into Swan's car and drove from Culpeper to Washington, D.C. This time, only Theodore "Reggie" Spencer, Phillip Swan, Terrell Wilson, W1 and W2 made the trip. The uncharged co-conspirator did not return to Washington, D.C. on June 18, 2011.

When the group of friends arrived at the hospital, Spencer and W1 went into the room to see Sharon Spencer. When Spencer emerged, he was distraught and angry. He told his friends that he had learned that Glenn had raped his mother and given her an STD which sped up her cancer. Spencer said he wanted to return to Glenn's house and Wilson and Swan agreed. The five of them piled into the car and made the trip back to the home of Glenn Scarborough.<sup>7</sup>

This time, when they arrived at Glenn's house, they parked right across the street. Spencer, Wilson and Swan, all of whom were wearing gloves stolen from the hospital, and W1 exited the vehicle and went down the alley that led to Glenn's house, while W2 remained in the car. At Spencer's request, W1 knocked on the door in order to get the guys into the house.<sup>8</sup> Glenn answered his door for W1 who entered the home followed by Spencer, while Wilson and Swan waited out of sight. Once W1 and Spencer entered the house, Wilson and Swan ran in as well. Glenn, presumably realizing he was about to be attacked again, swung at Swan but missed and all three defendants, Spencer, Swan and Wilson, jumped on Glenn, punching and kicking, while Spencer quickly took Glenn to the ground where he was bound with

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<sup>7</sup>In his pre-arrest interview, Phillip Swan told police that, during the trip to Glenn's house, he (Swan) asked Spencer if they should kill Glenn, in response to which Spencer was initially silent, then responded: "Yeah."

<sup>8</sup>Presumably this was done just in case Glenn recognized them from the night before or was leery of answering the door unless he heard a familiar voice.



duct tape by his ankles.<sup>9</sup> A white cloth was then shoved into the decedent's mouth and more duct tape was wrapped around his head to secure the cloth.

The defendants then, individually and collectively, beat Glenn Scarborough, punching, kicking and stomping him while he lay on the ground, during which time, Spencer pulled a buck knife out of his pocket (which belonged to Phillip Swan) and used it to stab Glenn multiple times in the neck, attempting to hit his jugular vein. Spencer then reached down and took the Glenn's belt off of him, put it around Glenn's neck, placed his foot on the back of the Glenn's head and pulled back on the belt until it snapped in two. At this point, the three defendants fled, taking the gloves, duct tape, knife, and broken piece of belt with them, leaving Glenn Scarborough to die in a pool of blood in his own home. That night, on the way back to Culpeper, the defendants threw the knife, gloves, duct tape and broken belt piece from the moving car as they drove over a bridge.

On Sunday, June 19, 2011, at approximately 5:47 p.m., the body of Glenn Scarborough was found in the basement apartment of [REDACTED] Levis Street, N.E. Washington, D.C. Scarborough was unconscious and lying in pool of blood on the floor, bound and gagged by duct tape. The decedent had been severely beaten, and both eyes were swollen. He had been stabbed, strangled with a belt, and duct taped around the mouth, head and legs. A cloth was also located in the decedent's mouth. The body of Glenn Scarborough was taken to the Office of the Chief Medical Examiner for the District of Columbia where an autopsy was performed by Dr. Marie-Lydie Pierre-Louis, M.D. The cause of death was determined to be asphyxia due to suffocation and

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<sup>9</sup>In his videotaped interview, Theodore "Reggie" Spencer reported that he is an MMA (mixed martial arts) cage fighter and demonstrated how he took the decedent to the floor on Saturday night in what he called a "rear naked" hold. Presumably, a similar hold was used on



ligature strangulation and the manner of death was ruled a homicide.

### PENALTIES

Below are the charges before the Court, with the applicable statutory penalties and guideline ranges. The government's recommendation appears in bold. "VCCF" refers to the assessment for the Victim's Crime Compensation Fund.

CHARGE	STATUTE	VCCF	SENTENCING GUIDELINES
Count One: Conspiracy 22 D.C. Code §1805	15 YEARS: 13 years initial incarceration; \$3000 maximum fine or maximum for underlying offense; 3 years of supervised release with 2 years of "backup" time.	\$100 to \$5,000	(range: 12 to 36 months, prison or short split permissible) <b>36 months incarceration</b> <b>**Consecutive to all other sentences**</b>
Count Two: First Degree Burglary (with intent to commit assault) 22 D.C. Code §801(a)	30 YEARS: 27 years initial incarceration; not less than 5 years; 5 years of supervised release with 3 years of "backup" time.	\$100 to \$5,000	(range: 36-84 months incarceration) <b>84 months incarceration</b> <b>**Consecutive to all other sentences**</b>
Count Four: First Degree Burglary (with intent to commit kidnapping) 22 D.C. Code §801(a)	30 YEARS: 27 years initial incarceration; not less than 5 years; 5 years of supervised release with 3 years of "backup" time.	\$100 to \$5,000	(range: 36-84 months incarceration) <b>84 months incarceration</b> <b>**Concurrent to Count Two**</b>

Friday night.

CHARGE	STATUTE	VCCF	SENTENCING GUIDELINES
Count Six: Kidnaping 22 D.C. Code §2001	30 YEARS: 30 years initial incarceration; 5 years of supervised release with 5 years of "backup" time.	\$100 to \$5,000	(range: 36-84 months incarceration) <b>84 months incarceration</b> <b>**Concurrent to Count Two**</b>
Count Eight: Robbery 22 D.C. Code §2801	15 YEARS: 13 years initial incarceration; mandatory minimum 2 years; 3 years of supervised release with 2 years of "backup" time.	\$100 to \$5,000	(range: 18-60 months incarceration) <b>60 months incarceration</b> <b>**Consecutive to all other sentences**</b>
Count Eleven: Assault 22 D.C. Code §404	180 DAYS; \$1000 maximum fine	\$50 to \$250	(range: 0 to 180 days, prison or short split, or probation permissible) <b>180 days incarceration</b> <b>**Concurrent to Count Two**</b>
Count Twelve: First Degree Burglary While Armed (with intent to commit assault) 22 D.C. Code §§801(a), 4502	30 YEARS: 30 years of initial incarceration; not less than 5 years; 5 years of supervised release with 5 years of "backup" time.	\$100 to \$5,000	(range: 90-180 months incarceration) <b>120 months incarceration</b> <b>**Concurrent to Count Seventeen**</b>
Count Thirteen: First Degree Burglary While Armed (with intent to commit kidnaping) 22 D.C. Code §§801(a), 4502	30 YEARS: 30 years of initial incarceration; not less than 5 years; 5 years of supervised release with 5 years of "backup" time.	\$100 to \$5,000	(range: 90-180 months incarceration) <b>120 months incarceration</b> <b>**Concurrent to Count Seventeen**</b>

Count Fourteen: Kidnaping While Armed 22 D.C. Code §§2001, 4502	30 YEARS: 30 years of initial incarceration; 5 years of supervised release with 5 years of "backup" time.	\$100 to \$5,000	(range: 90-180 months incarceration) <b>120 months incarceration</b> <b>**Concurrent to Count Seventeen**</b>
Count Fifteen: First Degree Felony Murder While Armed (Knife) 22 D.C. Code §§2101, 4502 (Underlying Felony: Burglary with intent to Assault) <i>With aggravating circumstances: committed during the course of a kidnaping or abduction, AND especially heinous, atrocious, or cruel.</i>	LIFE Without Release; mandatory minimum 30 years	\$100 to \$5000	(range: 360-720 months incarceration (Life without release eligible). <b>540 months incarceration</b> <b>**Concurrent to Count Seventeen**</b>
Count Sixteen: First Degree Felony Murder While Armed (Knife) 22 D.C. Code §§2101, 4502 (Underlying Felony: Burglary with intent to Kidnap) <i>With aggravating circumstances: committed during the course of a kidnaping or abduction, AND especially heinous, atrocious, or cruel.</i>	LIFE Without Release; mandatory minimum 30 years	\$100 to \$5000	(range: 360-720 months incarceration (Life without release eligible). <b>540 months incarceration</b> <b>**Concurrent to Count Seventeen**</b>
Count Seventeen: First Degree Felony Murder While Armed (Knife) 22 D.C. Code §§2101, 4502 (Underlying Felony: Kidnaping) <i>With aggravating circumstances: committed during the course of a kidnaping or abduction, AND especially heinous, atrocious, or cruel.</i>	LIFE Without Release; mandatory minimum 30 years	\$100 to \$5000	(range: 360-720 months incarceration (Life without release eligible). <b>540 months incarceration</b> <b>**Consecutive to all other sentences**</b>

Count Eighteen: Carrying a Dangerous Weapon 22 D.C. Code §4504(a)	5 YEARS: 3 years initial incarceration; 3 years of supervised release with 2 years of “backup” time.	\$100 to \$5000	(range: 6-24 months incarceration, prison or short split, or probation permissible) <b>24 months incarceration</b> <b>**Concurrent to Count</b> <b>Seventeen**</b>
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### MERGER

Although some of the offenses here may merge with others, the Court should follow the suggestion of the Court of Appeals and sentence the defendant on each count without regard to potential merger. See Garris v. United States, 491 A.2d 511, 514-15 (D.C. 1985) (suggesting trial court should sentence defendant on each count rather than trying to decide which count to dismiss; merger can take place after the appeal, allowing the appellate court to determine whether there is error on one count that does not affect the other). See also Warrick v. United States, 528 A.2d 438, 439, 443 n.6 (D.C. 1987) (noting the case before the appellate court revealed the problems that arise when trial courts fail to heed the “suggestion” in Garris, and reiterating that suggestion once again).

### ARGUMENT

The Court has “great latitude” in fashioning a sentence. In addition to the criminal history of the defendant, a judge should consider four factors when imposing sentence: (a) the protection of society against wrong-doers; (b) the punishment -- or much better -- the discipline of the wrong-doer; (c) the reformation and rehabilitation of the wrong-doer; and (d) the deterrence of others from the commission of like offenses. Spanziano v. Florida, 468 U.S. 447, 477-78 (1984) (Stevens, J., concurring); Williams v. New York, 337 U.S. 241, 251 (1949); Collins v. Francis, 728 F.2d 1322, 1339 (11th Cir. 1984).

However, the principal objective of sentencing is the protection of society, cf. Kelly v. Robinson, 479 U.S. 36 (1986) (criminal justice system operated for benefit of society as whole); Jones v. United States, 463 U.S. 354 (1983) (incarceration chosen to reflect society's view of proper response to commission of particular criminal offense), and the sentencing judge can consider a wide variety of information as to a defendant's background, character, and conduct, criminal or otherwise, when imposing a sentence.<sup>3</sup> The Court may also weigh the details of the crime for which the defendant is being punished, Williams v. Oklahoma, 358 U.S. 576 (1959), and the deterrent effect of the sentence on others. See, e.g., United States v. Barbara, 683 F.2d 164 (6th Cir. 1982).

Significantly, "[a]n important function of the corrections system is the deterrence of crime. The premise is that by confining offenders in a facility where they are isolated from the rest of society, a condition that most people presumably find undesirable, *they and others* will be deterred from committing additional crimes." Pell v. Procunier, 417 U.S. 817, 822 (1974) (Emphasis added). Other young people who are similarly situated need to know that lengthy incarceration for violent, unjustifiable crimes will be justly imposed.

In this case, the decedent's family, his friends, and the community have legitimate interests in validating the efficacy of the criminal justice system. While the Court has recognized that retribution is no longer the dominant objective of the criminal law, Williams v. New York, 337 U.S. at 248, "[t]he instinct for retribution is part of the nature of man, and channeling that instinct in the administration of criminal justice serves an important purpose in promoting the stability of a society governed by law. When people begin to believe that

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<sup>3</sup> Indeed, the Supreme Court has consistently held that even acts and conduct not resulting

organized society is unwilling or unable to impose upon criminal offenders the punishment they 'deserve,' then there are sown the seeds of anarchy -- self-help, and vigilante justice." Gregg v. Georgia, 428 U.S. 153, 183 (1976).

"Punishment is the way in which society expresses its denunciation of wrongdoing; and, in order to maintain respect for law, it is essential that the punishment inflicted for grave crimes [, like this,] should adequately reflect the revulsion felt by the great majority of citizens for them. It is a mistake to consider the object of punishment as being deterrent or reformative or preventive and nothing else .... The truth is that some crimes are so outrageous that society insists on adequate punishment, because the wrong-doers deserve it, irrespective of whether it is deterrent or not." *Id.* at 184 n. 30. This case involves just such an offense.

Glenn Scarborough was a 61-year-old senior citizen who had a 92-year-old father, two siblings, and three children of his own at the time that he was killed. He was a working man, with a job procuring construction permits for new construction or remodeling projects within the District of Columbia. This is not meant to suggest that Glenn Scarborough was a perfect man. He certainly had his own demons, but this is meant to remind this Honorable Court that Glenn Scarborough had much to live for, and that it was not for Terrell Wilson, Phillip Swan or Theodore Reginald Spencer to decide which breath would be his last.

The murder of Glenn Scarborough like all others was an unnecessary tragedy, one that, like the crimes that preceded it, could have been avoided with better choices. Unfortunately, the defendants in this case chose to pursue revenge, without all of the facts. They chose to disregard and disrespect our system of justice, never giving it a chance to work, never giving Glenn

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in conviction may properly be considered. See, e.g., Williams v. New York, supra.



Scarborough an opportunity to admit or deny any of the allegations against him or a chance to prove his love, no matter how strangely expressed, for Sharon Spencer.

The evidence against all of the defendants was strong. It included ear-witnesses to their conversations prior to and following their actions on both nights, as well as an eye-witness to some of their actions in the home of Glenn Scarborough on the night of the murder. The witnesses included their either their girlfriends or their sisters, or, in the case of some defendants, both. Not to mention, the fact that the defendants themselves provided some of the most damaging evidence at trial, which included recorded police interviews, during which they each admitted their own involvement in the beating, kidnaping and murder of Glenn Scarborough, conduct which spanned the dates of June 17, 2011, and June 18, 2011.

While Theodore Reginald Spencer has no prior criminal history score, the torturous conduct of beating and tying the decedent on two consecutive days, combined with the callousness of manually choking him, suffocating him with a cloth, stabbing him, and strangling him with a belt, cry out for true justice to honor the memory of Glenn Scarborough. The fact that the defendant confessed the murder to more than one person, as if daring the law to come and get him, is more evidence still of his belief that he is above the laws that govern our society.

This case involves an offense for which punishment is well deserved and has been justly earned because Theodore Reginald Spencer continued his criminal conduct even after the night of the murder of Glenn Scarborough. Simply put, this defendant committed a crime in the very courtroom in which he was on trial. His undeniably incredulous testimony at trial, during which he falsely attempted to take full blame for the actions of his codefendants, was nothing more than

an attempt to obstruct justice by literally assisting his codefendants in getting away with murder right under the nose of this Court.

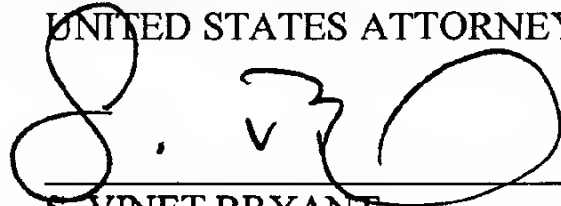
For his actions, Theodore Reginald Spencer should wake every morning for next several decades thinking about the life that he took and the lives that he changed, and the sentence imposed by this Court should provide him all the time he needs to do just that.

### **CONCLUSION**

For these reasons, the United States of America respectfully recommends that Theodore Reginald Spencer be sentenced to 720 months (60 years) incarceration.

Respectfully Submitted,

RONALD C. MACHEN  
UNITED STATES ATTORNEY



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S. VINET BRYANT  
ASSISTANT UNITED STATES ATTORNEY

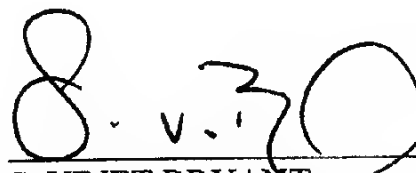
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Memorandum in Aid of Sentencing was served by email upon the following counsel for the defendant:

James Rudasill, Esq.  
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on the 16<sup>th</sup> day of December, 2012.

A handwritten signature in black ink, appearing to read "S. VINET BRYANT", written over a horizontal line.

S. VINET BRYANT  
ASSISTANT UNITED STATES ATTORNEY

# EXHIBIT 1

December 16, 2012

Dear Judge Motley,

My name is Clayton Anderson. To my friends and Glenn's friends, I am known as "Sonny". I have been best friends with Glenn for 55 years. It would have been longer if he wasn't brutally butchered. I knew Sharon Spencer for about 12 years. I first met her when they first met, and I lived with them. In some strange way, they actually loved each other, even though their relationship was sad.

I want to tell you a little about Glenn. I first met Glenn in 1956 when my family moved up in the Takoma Park area of DC, near Kennedy Street. My house faced a busy street, and across the street was a big park. Glenn's house was directly in back of my house up the alley. Along with my twin brother, we all became best friends. We would go to the park to play football, baseball, sleigh ride and chase girls by running out of the woods at them. We became cub scouts and boy scouts and even went to scout camp. They were typical, sometimes devilish, times during our youth.

After I graduated from high school, I did my 4 year tour in the Air Force and Vietnam. I came back home and we picked up where we left off, instead of being with my twin brother who moved to Boston, Glenn and I had another buddy, James Kennedy, and we were having a good time, this time as adults. After I got married, we still were close and occasionally went out, until 1985 when my wife joined the Army and we moved out of DC, but Glenn and I never lost touch.

After Glenn was married to his second wife, Lainie, he met and hooked up with Sharon Spencer. Unlike his previous relationships, Sharon was a **"seasoned veteran of the streets of DC"**, long before she met and became involved with Glenn. I lived with them for almost a year (it seemed like an eternity), and I'm going to tell you a true story. One night at the residence, a visitor came by the house. He was tall, in his mid-20s, well built. He came in, said his greetings to us and we all sat down talking, when out of nowhere, he "clocked" me in the face sending me to the floor because he believed I was sleeping with his wife. I wasn't knocked out, but I was stunned and couldn't move. Anyway, I looked up at Glenn, my best friend, and he did what I knew he would do—he ran out the back door. Glenn was not a fighter—under no circumstance.

As the man came to try to finish me off, Sharon jumped in between us and began punching, biting, slapping, scratching, kneeing and kicking this guy to the point that I kinda felt sorry for him. He was trying to fight back, but could not match Sharon's punches. He gave up, and Sharon told him to get out and never come back. She saved my life that night, and Glenn came back 20 minutes later, with his excuse that he was looking for the police. We teased him about that for months.

The reason I tell you that story is to let you know that there is no way that Glenn was ever violent or aggressive toward Sharon. He wanted to marry her and sent her home to Virginia, hoping she would clean herself up, but Sharon kept coming back. Once, when Glenn was out of town visiting his son, Sharon came home with her left eye swollen, mouth cut and bruises all over her body. I asked her what happened, and she told me 3 men beat her up and raped her. She begged me not to tell Glenn, and I never did, but I want you to know that the bruises and scratches on Sharon came from the streets of DC, not from Glenn.

During the time that I lived with Glenn and Sharon, there was an incident where Sharon caught fire. I was subpoenaed to DC to testify about that day. My testimony was not used at trial, but I feel I need to set things straight about what happened that day because, other than Glenn and Sharon, I am the only one who was there. Glenn was asleep. Sharon had come home that morning after a 7-day crack cocaine binge in the streets. I was getting ready to go to work that morning when she sat down at the dining room table wearing only a negligee and pulled out her drug utensils to clean and scrape them and burn the residue to smoke it.

It was a process I had watched her go through many times. She had 3 or 4 used crack pipes, several used filters (Choy Boy), wire "pushers", used to scrape the residue out of the pipes, a handful of almost empty lighters, cotton and a bottle of 90% rubbing alcohol. Covering both holes of the pipe, she shook it up and down and let the alcohol spill onto the plate. She poured some of the alcohol into the bottle top, She wrapped some cotton around the wire pusher, dipped it into the bottle top and began to fight to get the almost empty lighters to light the cotton, so that she could burn the plate filled with alcohol and residue, cook it and smoke it. She even asked me for a better lighter, but I refused. At that time, Glenn woke up and came into the dining room. He began trying to convince Sharon to put the pipes away and go to sleep. She began to argue with Glenn, and I left to go to work.

Later that night when I was coming back from work, I saw Sharon standing on the corner of Eastern and Rhode Island Avenues. She was wearing only an open hospital robe and slippers, and her body was wrapped in gauze. She was actually hustling. I drove to the house and saw Glenn sitting on the steps with both hands and arms wrapped in bandages. He told me that, right after I left, and while they were arguing, she tried to light her plate and as they struggled for control of the lighter her negligee top caught fire, and he was trying to put the fire out with his hands.

Glenn told me that Sharon had been in the intensive care section of the burn unit at the Washington Hospital Center, and had snuck out of the hospital to come back down to the area to hustle for drugs. He had tried to get her to go back to the hospital and had even stopped the police, but was told that she had to go voluntarily. I told Glenn that because of the intensity of the burns, when the medication wore off, she would run back to the hospital. When I woke up the next morning, I found out that is just what had happened.



Sharon told me that she was forced to press charges against Glenn by her family, but she also told me she was never going to testify against him. I was there for the trial as a witness, and the prosecution had to drop the charges because Sharon never showed up. What I need to let Mr. Spencer, the Spencer family and Your Honor know, is that **THAT WAS NOT THE FIRST TIME SHARON CAUGHT HERSELF ON FIRE! IT WAS JUST THE WORST TIME.** It was a regular occurrence when she was doing what she was doing at that table.

Glenn will always be missed by me and by his family. Am I angry about Sharon's family members giving Sharon's children false information about her? No. I would probably do the same thing if I was put in that same situation in order to shield the children from the actual truth. I'm sure they did not expect the defendants to go out and brutally torture and kill Glenn. I read somewhere that Mr. Spencer was an MMA cage fighter. Well, he must not be that good, because he had to get his 2 buddies to help him take down a 61-year-old man. I only hope that the court sentences Mr. Spencer and his friends to the maximum amount of time allowed by law and to be together in the same lockup because they're gonna need each other to keep them safe from "Bubba."

One final thing: If the defendants and their family members are religious, and they really hate Glenn, they should think about what they did—**YOU PUT GLENN AND YOUR MOTHER BACK TOGETHER AGAIN, THIS TIME FOR ALL ETERNITY!**

Sincerely,

/s/ Clayton Anderson